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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/054,028      | 01/22/2002  | George H. Forman     | 10015812-1          | 1455             |

7590 08/03/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

KNOWLIN, THJUAN P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2642

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/054,028

Applicant(s)

FORMAN ET AL.

Examiner

Thjuan P. Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 28, 2005 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-23 are still pending in this application, with claims 1, 12, 13, and 23 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being anticipated by Cannon et al (US 6,760,413), in view of Horrer (US 6,647,107).
4. In regards to claims 1, 3, 10, 11, 12, 13, 22, and 23, Cannon discloses a communications call system (See Fig. 3 and telephone system 110), apparatus, and method comprising: a telecommunication device (See Fig. 5 and callee ID telephone 210); associated with said telecommunication device, call-processing means for processing a call, having an input-output port for transmitting call signals to said telecommunications device; associated with said call-processing means, sensing means (See Fig. 3, detector/receiver 13, and callee related information transmitter 130) for providing real-time information signals indicative of real-time activity proximate said call-processing means, wherein said call-processing means conveys said information

signals to a caller (calling party) on a call into said input-output port (See Abstract, col. 2 lines 21-32, col. 3 lines 10-34, and col. 5 lines 21-26). Cannon, however, does not disclose call-processing means conveying said information signals to a caller on a call into said input-output port prior to putting the call through to said telecommunications device. Horrer, however, does disclose call-processing means conveying information signals to a caller (e.g. busy or no answer) on a call into said input-output port prior to putting the call through to said telecommunications device (See col. 4 lines 19-38). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the system, as a way of informing the caller/calling party of the status of called party prior to connecting the call. This process saves the caller/calling party time, by not putting them through to a line that is busy, is a wrong number, or one in which the called party is simply not at the destination at the current time.

5. In regards to claim 2, Cannon discloses the system, further comprising: connected to said call-processing means, an incoming call line and an outgoing call line; connected to the incoming line, a call router (See Fig. 1, Fig. 3, central office 14, and central office 114); a plurality of location-identifiable telecommunications devices connected to the incoming line via the router; and accessible to said router, a database (See Fig. 3 and local call related information 187) having real-time information representative of current proximity of individuals to each of said telecommunications devices. Cannon, however, does not disclose said router providing said real-time information signals back to the caller to a specific one of said telecommunications

devices prior to routing a call thereto. Horrер, however, does disclose said router providing said real-time information signals back to the caller to a specific one of said telecommunications devices prior to routing a call thereto (See col. 4 lines 19-38).

6. In regards to claims 4 and 15, Cannon discloses the system and method, wherein said real-time information is at least one photograph image (See col. 5 lines 27-34).

7. In regards to claims 5, 6, 14, and 16, Cannon discloses the system and method, wherein said real-time information is audio playback of current persons in proximity to said telecommunications device (See col. 5 lines 27-34).

8. Cannon discloses all of claims 7 and 17 limitations, except the system and method, further comprising: means for authenticating identity of said caller prior to said call-processing means conveying said information signals to said caller on a call into said input-output port. Horrер, however, does disclose the system and method, further comprising: means for authenticating identity of said caller prior to said call-processing means conveying said information signals to said caller on a call into said input-output port (See col. 4 lines 19-38).

9. Cannon discloses all of claims 8, 9, 18, 19, 20, and 21 limitations, except the system and method, further comprising: means for providing said caller with a plurality of options for further action following receipt of said real-time information. Horrер, however, does disclose the system and method, further comprising: means for providing said caller with a plurality of options (e.g. hold or be forwarded to voicemail) for further action following receipt of said real-time information (See col. 5 lines 63-66).

***Response to Arguments***

10. Applicant's arguments filed 04/28/05 have been fully considered but they are not persuasive. Applicants argue that nowhere does Cannon and/or Horrer teach or disclose a sensing means that provides signals indicative of real-time activity proximate the call-processing means. Examiner respectfully disagrees with this argument. Cannon does teach and disclose a sensing (See Fig. 3, detector/receiver 13, and call-related information transmitter 130) means that provides signals indicative of real-time activity proximate the call-processing means (See Abstract, col. 2 lines 21-32, col. 3 lines 10-34, and col. 5 lines 21-26). Applicants further argue that nowhere does Cannon and/or Horrer teach or disclose a storage device that collects and stores data representative of current activity relative to each said telecommunications device. Cannon, however, does teach and disclose a storage device (See Fig. 1, Fig. 3, central office 14, and central office 114) that collects and stores data representative of current activity relative to each said telecommunications device (See col. 1 lines 35-42, col. 3 lines 1-9, and col. 3-4 lines 51-20). Applicants state that nowhere does Cannon and/or Horrer teach or disclose obtaining real-time information regarding the environment proximate said device. Cannon, however, does teach and disclose obtaining real-time information regarding the environment proximate said device (See col. 3 lines 1-9, col. 3-4 lines 51-20, and col. 5 lines 27-34). Applicants further state that nowhere does Cannon and/or Horrer teach or disclose monitoring a first location for current activities

within a known proximity to the first location. Examiner respectfully disagrees with this argument. Cannon does teach and disclose monitoring a first location for current activities within a known proximity to the first location (See col. 3-4 lines 51-20).

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

*Benny Q. Tieu*  
BENNYTIEU  
PRIMARY EXAMINER  
A.U. 2642